

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HOPE MICKENS,

Plaintiff,

-against-

NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES, et al.,

Defendants.  
-----X

**STIPULATION OF  
SETTLEMENT AND  
ORDER OF DISMISSAL**

07-Civ-7621 (CLB)

WHEREAS, plaintiff, Hope Mickens, filed a complaint on August 27, 2007, seeking only attorney's fees, as the prevailing party in a New York State Division of Human Rights claim alleging employment discrimination pertaining to the defendants; and

WHEREAS, defendants have denied all allegations that their conduct violated plaintiff's constitutional or other rights; and

WHEREAS, the parties are interested in resolving the issues alleged in the complaint in the above-captioned action ("Action"), and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the Action is an infant or incompetent person; and

WHEREAS, the parties to the Action are desirous of discontinuing this litigation without the need for trial and without admitting any wrongdoing on the part of defendants;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows:

1. The parties hereby agree that the Action is dismissed and discontinued with prejudice and without costs.

2. Defendants, specifically the New York State Department of Correctional Services, have previously paid to plaintiff the sum of \$2,500.00 (Two Thousand Five Hundred Dollars), in full satisfaction of any and all claims for relief in connection with the claims previously litigated in the New York State Division of Human Rights and arising in this Action, and shall pay to plaintiff's attorney Mitchell J. Baker, of Baker, Leshko, Saline & Blosser, LLP the sum of \$20,000.00 (Twenty Thousand Dollars) in full satisfaction of any claims in this Action and/or in connection with the claims arising from this Action, which were previously litigated in the New York State Division of Human Rights for attorneys fees, costs and disbursements. Payment shall be made in the amount of \$20,000.00, and drawn to the order of the plaintiff's attorney and mailed to plaintiff's attorney, Mitchell J. Baker, Esq., Baker, Leshko, Saline & Blosser, LLP, One North Lexington Avenue, White Plains, New York 10601.

3. In consideration of the payment of the sum recited in paragraph #2 above, the plaintiff, Hope Mickens, hereby releases and discharges the defendants and any and all current or former employees or agents of New York State or the New York State Department of Correctional Services, New York State Department of Civil Service, New York State Department of Audit and Control, Sgt. Ronald Brereton and Sgt. Arthur McClain, in their individual and official capacities, and their heirs, executors, administrators and assigns, and the State of New York and its agencies, including, without limitation, the New York State Department of Correctional Services, New York State Department of Civil Service, New York State Department of Audit and Control, Sgt. Ronald Brereton and Sgt. Arthur McClain, from any and all claims, liabilities and causes of action which plaintiff or plaintiff's representatives, heirs or assigns ever had, now has or hereafter shall or may

have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the date of this stipulation and order.

4. Nothing in this Stipulation of Settlement shall be construed as an admission or acknowledgment of liability whatsoever by the defendants or the New York State Department of Correctional Services, New York State Department of Civil Service, New York State Department of Audit and Control, Sgt. Ronald Brereton and Sgt. Arthur McClain regarding any of the allegations made by the plaintiff in her complaint herein and as litigated in the New York State Division of Human Rights.

5. Payment of the amount recited in paragraph #2 above is subject to the approval of all appropriate New York State officials in accordance with the provisions for indemnification under Section 17 of the New York Public Officers Law. Plaintiff and plaintiff's counsel agree to execute and deliver to counsel for defendant all necessary or appropriate vouchers and other documents requested with respect to such payment.

6. Subject to the provisions of the foregoing paragraphs, in the event payment of the amount recited in paragraph #2 above is not made within one hundred and twenty (120) days after the receipt by defendant's counsel from the Court of a copy of the fully executed So-ordered Stipulation of Settlement as entered by the Court, interest shall accrue on the outstanding principal balance at the rate set forth in 28 U.S.C. § 1961 beginning on the one hundred and twenty first day after receipt by defendant's counsel of a copy of the fully executed So-ordered Stipulation of Settlement.

7. This Stipulation of Settlement and any Order entered thereon shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding.



as evidence or for any other purpose, except in an action or proceeding to enforce this Stipulation of Settlement.

8. This Stipulation of Settlement and Order of Dismissal embodies the entire agreement of the parties in this matter and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceedings, shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

April 30, 2008

ANDREW M. CUOMO

Attorney General of the  
State of New York

Attorney for Defendant

120 Broadway

New York, New York 10271-0332

By:

SABRINA JIGGETTS

Assistant Attorney General  
Of Counsel

120 Broadway, 24th Floor

New York, New York 10271

(212) 416-6082

Dated: White Plains, New York

4.22.08, 2008

By:

MITCHELL J. BAKER, Esq.

Baker, Leshko, Saline & Blosser, LLP

One North Lexington Avenue

White Plains, NY 10601-1712

(914) 681-9500

Attorney for Plaintiff

Sworn to before me  
this day of 4/24, 2008

[Signature]

Notary Public

By:

Hope Mickens

HOPE MICKENS

Plaintiff

MITCHELL J. BAKER

Notary Public, State of New York

No. 02BA4991878

Qualified in Westchester County

Commission Expires February 10, 2010

IT IS SO ORDERED:

Dated: White Plains, New York

May 1, 2008

ENTER: SO ORDERED

Charles L. BRIEANT

HONORABLE CHARLES L. BRIEANT

United States District Judge